

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIASCIENCE CORP. dba YEHUDA
DIAMOND COMPANY

Plaintiff,

v.

BLUE NILE, INC.

Defendant.
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Civil Action No. 08-CV-9751 (NRB)

**STIPULATION OF DISMISSAL
WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned attorneys for the respective parties, pursuant to Rule 41 of the Federal Rules of Civil Procedure, that the above-captioned action be, and hereby is, dismissed with prejudice, and without attorneys' fees or costs to any party. The undersigned represent all the parties who have appeared in this action.

This Stipulation may be signed using one or more counterparts. The several executed copies together will be considered an original and will be binding on the parties.

Dated: January 26, 2010

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SO ORDERED:

NAOMI R. BUCHWALD, U.S.D.J.